

REMARKS:

Claims 31, 33, 34, 37-42, 44, 45, 48-55, 57, 58, 61, 64-69, 71, 72, 75 and 78-84 are presented for examination. Claims 31, 33, 34, 37, 42, 44, 45, 48, 53, 54, 55, 57, 58, 61, 64, 69, 71, 72, 75, 78, 83 and 84 have been amended hereby. Claims 1-30, 32, 35, 36, 43, 46, 47, 56, 59, 60, 62, 63, 70, 73, 74, 76, 77 and 85-114 have been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the objection to the abstract of the disclosure made at page 2 of the October 7, 2005 Office Action.

In this regard, it is noted that the abstract has been amended hereby to be less than 150 words and to be in the form of a single paragraph.

Accordingly, it is respectfully submitted that the objection to the abstract of the disclosure made at page 2 of the October 7, 2005 Office Action has been overcome.

Reconsideration is respectfully requested of the objection to the disclosure (because of the continuing data informality) made at page 2 of the October 7, 2005 Office Action.

In this regard, it is noted that the specification has been amended hereby to identify the parent application by serial number.

Accordingly, it is respectfully submitted that the objection to the disclosure made at page 2 of the October 7, 2005 Office Action has been overcome.

Regarding the rejection of claims 2-6 and 35 under 35 U.S.C. 112, first paragraph, it is respectfully noted that these claims have been cancelled hereby (without prejudice or disclaimer).

Accordingly, it is respectfully submitted that the rejection of claims 2-6 and 35 under 35 U.S.C. 112, first paragraph, has been rendered moot.

Likewise, regarding the rejection of claims 1-7, 9, 11-21, 23, 25-30 and 85-114 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent 6,321,984 ("McCall et al."), it is respectfully noted that these claims have been cancelled hereby (without prejudice or disclaimer).

Accordingly, it is respectfully submitted that the rejection of claims 1-7, 9, 11-21, 23, 25-30 and 85-114 under 35 U.S.C. 102(e) as allegedly being anticipated by McCall et al. has been rendered moot.

Similarly, regarding the rejection of claims 8, 10, 22 and 24 under 35 U.S.C. 103(a) as allegedly being unpatentable over McCall et al., it is respectfully noted that these claims have been cancelled hereby (without prejudice or disclaimer).

Accordingly, it is respectfully submitted that the rejection of claims 8, 10, 22 and 24 under 35 U.S.C. 103(a) as allegedly being unpatentable over McCall et al. has been rendered moot.

Reconsideration is respectfully requested of the rejection of claims 31, 33, 34, 37-42, 44, 45, 48-55, 57, 58, 61, 64-69, 71, 72, 75, and 78-84 under 35 U.S.C. 103(a) as allegedly being unpatentable over McCall et al. in view of “Weather futures ‘bet’ will give Tucson firms a hedge against loss” (hereinafter “Weather Futures”).

In this regard, it is noted that claims 32, 35, 36, 43, 46, 47, 56, 59, 60, 62, 63, 70, 73, 74, 76 and 77 (which had also been the subject of this rejection) have been cancelled hereby (without prejudice or disclaimer). Thus, the rejection of these cancelled claims has been rendered moot.

In any case, it is initially noted that applicants respectfully disagree with the Examiner in the Examiner’s analysis of the claims of the present application and the McCall et al. and Weather Futures disclosures.

Nevertheless, in order to expedite prosecution of the application, each of the presently pending independent claims has been amended hereby to more clearly distinguish over McCall et al. and Weather Futures by reciting methods and systems related to program pricing in the context of three parties: a customer, a program sponsor and a program operator.

More particularly, the claims have been amended hereby to recite methods and systems in which both customer usage data and program sponsor data (including data related to a fee paid by the program sponsor) are used to develop a financial hedging strategy to diminish a risk to the program operator in connection with volatility of fuel prices.

It is respectfully submitted that at least this aspect of the claimed invention is neither shown nor suggested by McCall et al. (which relates to an adjustable price fuel dispensing system).

Likewise, it is respectfully submitted that at least this aspect of the claimed invention is neither shown nor suggested by Weather Futures (which relates to weather derivatives associated with Tucson and other selected cities).

Therefore, it is respectfully submitted that the rejection of claims 31, 33, 34, 37-42, 44, 45, 48-55, 57, 58, 61, 64-69, 71, 72, 75 and 78-84 under 35 U.S.C. 103(a) as allegedly being unpatentable over McCall et al. in view of Weather Futures has been overcome.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

Accordingly, it is respectfully submitted that each objection and rejection raised by the Examiner in the October 7, 2005 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Respectfully submitted,
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